IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 23139 of 2007(D)

PETITIONER:

CHANDRADASAN.C., AGED 48 YEARS,
S/O.GOPALAN.C., KRISHNAKRIPA, COONY KAVALA
MEKKAD P.O., ERNAKULAM.
FOREMAN TRAINEE TELK, ANGAMALY

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY, INDUSTRIES, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE CHAIRMAN & MANAGING DIRECTOR, TELK, ANGAMALY SOUTH, ERNAKULAM.**

3. **THE SENIOR MANAGER, TELK PERSONNEL, ANGAMALY SOUTH, KERALA.**

4. **TRANSFORMERS AND ELECTRICAL KERALA LIMITED, ANGAMALLY SOUTH P.O. ERNAKULAM REPRESENTED BY ITS ASSISTANT GENERAL MANAGER, (Q.A & H.R.)**

5. **T.P.GOVINDAN, MANAGER (PERSONNEL), TELK, ANGAMALY.**

BY ADV. SRI.M.PATHROSE MATTHAI (SR.)
SRI.SAJI VARGHESE, SC FOR TELK
GOVERNMENT PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 23139 OF 2007
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Dated this the 10th day of August, 2007

J U D G M E N T

Petitioner was an Engineer in the service of the 4th respondent Company. While so, petitioner applied for leave without allowances for taking up employment abroad. Without getting the leave sanctioned, he absented from duty and eventually by Ext.P3 order dated 16th August 2006, he was informed that his application cannot be entertained, and was called upon to report for duty. Although the period mentioned in Ext.P3 was extended, petitioner did not report for duty and even now continue his employment abroad. Finally, the petitioner has been charge sheeted as per Ext.P5, to which he has submitted Ext.P6 reply. Ext.P6 has been rejected by Ext.P7 and an Enquiry Officer has been appointed for conducting enquiry against the petitioner. It is at that stage seeking to quash Exhibits P3 and P5 and for

directing the 2nd respondent to grant leave to the petitioner, this writ petition is filed.

2. It is admitted case that the petitioner absented from duty without getting the leave sanctioned and this certainly discloses a misconduct in terms of the standing orders. If that be so, disciplinary authority is justified in proceeding with the disciplinary action. Petitioner has filed his explanation and the Enquiry Officer having been appointed, enquiry has to be completed.

3. I do not find anything illegal in Exts.P3 or P5 warranting interference. Petitioner has to answer the charges and prove his innocence before the Enquiry Officer.

I do not find any merit in this writ petition and it is only to be dismissed and I do so.

ANTONY DOMINIC, JUDGE.

Rp